



STATE OF LOUISIANA
DEPARTMENT OF STATE CIVIL SERVICE
LOUISIANA BOARD OF ETHICS
P. O. BOX 4368
BATON ROUGE, LA 70821
(225) 219-5600
FAX: (225) 381-7271
1-800-842-6630
www.ethics.la.gov

April 15, 2019

Henry D.H. Olinde, Jr.
Olinde & Mercer
8562 Jefferson Highway, Suite B
Baton Rouge, Louisiana 70809

Re: **Louisiana Board of Ethics**
Docket No. 2019-117

Dear Mr. Olinde,

The Louisiana Board of Ethics, at its March 15, 2019, meeting, considered your request on behalf of Pointe Coupee Parish President Major Thibaut for an advisory opinion as to whether the Code of Governmental Ethics ("Code") would prohibit Mr. Thibaut from receiving insurance commissions that result from a group health insurance contract with the Pointe Coupee Parish Hospital Service District No. 1.

FACTS PROVIDED

In November of 2016, the voters of Pointe Coupee Parish abolished the police jury form of government and adopted a Home Rule Charter implementing a "president-council" form of government. Under this form of government, the Pointe Coupee Parish Council performs the legislative functions as the governing authority. The Pointe Coupee Parish President performs the executive functions as the chief administrative officer. Mr. Thibaut was recently elected as Parish President and took office on January 14, 2019.

Pursuant to La. R.S. 46:1051, *et. seq.*, the Pointe Coupee Parish Police Jury created the Pointe Coupee Parish Hospital Service District No. 1. ("Hospital District") by ordinance on June 5, 1979. The Hospital District is governed by a nine-member Board of Commissioners, each of whom are appointed by the Pointe Coupee Parish Council. La. R.S. 46:1053V(1). Two of the members appointed to the Hospital District Board may be members of the Pointe Coupee Parish Council. La. R.S. 46:1053V(2). The Commission has the authority to advise the Parish Council on problems concerning the operation of the hospital. La. R.S. 46:1055A. Additionally, the Commission may enter into special services agreements with any person to manage, operate, and administer the hospital, or any part thereof. La. R.S. 46:1055B. The Hospital District is considered a political subdivision of the State of Louisiana. La. R.S. 46:1064A.

Mr. Thibaut owns and operates a one-employee insurance agency in New Roads. In 2012, prior to his election as Parish President, Mr. Thibaut procured the group health insurance contract for the Hospital District and its employees. The insurance is written through Massad-Olinde Group,

an independent health insurance agency. Massad-Olinde pays Mr. Thibaut 50% of the commissions generated by the health insurance contract with the Hospital District.

LAW

La. R.S. 42:1111C(2)(d) provides that no public servant and no legal entity in which the public servant exercises control or owns an interest in excess of twenty-five percent, shall receive any thing of economic value for or in consideration of services rendered, or to be rendered, or to for any person during his public service unless such services are: (d) neither performed for nor compensated by any person or from any officer, director, agent, or employee of such person, if such public servant knows or reasonably should know that such person has or is seeking to obtain contractual or other business or financial relationships with the public servant's agency.

La. R.S. 42:1111E(1) provides that no public servant, and no legal entity in which the public servant is an officer, director, trustee, partner, or employee, or in which the public servant has a substantial economic interest, shall receive or agree to receive anything of economic value for assisting a person in a transaction, or in an appearance in connection with a transaction, with the agency of such public servant.

La. R.S. 42:1102(2)(a)(vi) defines "agency," for public servants of political subdivisions, as the agency in which the public servant serves, except that for members of any governing authority and for the elected or appointed chief executive of a governmental entity, it shall mean the governmental entity. A "governmental entity" means the state or any political subdivision to which the elected official is elected. La. R.S. 42:1102(12).

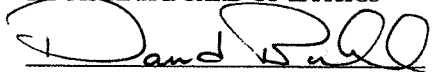
CONCLUSION

The Board concluded, and instructed me to inform you, that Major Thibaut, in his capacity as Pointe Coupee Parish President, would not be prohibited by Section 1111C(2)(d) or Section 1111(E)(1) from receiving compensation from Massad-Olinde as a result of any new health insurance contract with the Hospital District, as the Hospital District is a political subdivision of the state pursuant to La. R.S. 46:1064A.

This advisory opinion is based solely on the facts as set forth herein. Changes to the facts as presented may result in a different application of the provisions of the Code of Governmental Ethics. The Board issues no opinion as to past conduct or as to laws other than the Code of Governmental Ethics, the Campaign Finance Disclosure Act, the Lobbyist Disclosure Act, and conflict of interest provisions in the gaming laws. If you have any questions, please contact me at (800)842-6630 or (225)219-5600.

Sincerely,

LOUISIANA BOARD OF ETHICS



David M. Bordelon

For the Board



STATE OF LOUISIANA
DEPARTMENT OF STATE CIVIL SERVICE
LOUISIANA BOARD OF ETHICS
P. O. BOX 4368
BATON ROUGE, LA 70821
(225) 219-5600
FAX: (225) 381-7271
1-800-842-6630
www.ethics.la.gov

October 23, 2017

Rep. Major Thibaut
2004 False River Drive
New Roads, Louisiana 70760

Re: **Louisiana Board of Ethics**
Docket No. 2017-1122

Dear Representative Thibaut,

The Louisiana Board of Ethics, at its October 20, 2017, meeting, considered your request for an advisory opinion as to certain prohibitions by the Code of Governmental Ethics (Code) concerning your employment as an insurance agent should you be elected as Pointe Coupee Parish President.

You are considering running for the office of Pointe Coupee Parish President during the election to be held in November of 2018. If elected, you would assume office in January of 2019. You are also employed as an agent for New York Life and receive compensation from several other life and health insurance companies. Your business is divided into three scenarios:

1. LIFE INSURANCE POLICIES AND INVESTMENTS

You sell life insurance policies and investments for which you receive commissions directly from the company who issues the policy. Some commissions are paid in full at the time the policy is written, while other companies spread the commissions out over several years. You also receive commissions at the time of the policy renewal. The contract is between your clients and the life insurance company, and the clients do not pay you directly for your services. You have identified some of your life insurance clients as vendors of Pointe Coupee Parish.

The Board concluded, and instructed me to inform you, that the Code would not prohibit you, while serving as Pointe Coupee Parish President, from continuing to receive renewal commissions for the life insurance policies and investments you sold prior to taking office. La. R.S. 42:111C(2)(d) provides that no public servant and no legal entity in which the public servant exercises control or owns an interest in excess of twenty-five percent, shall receive any thing of economic value for or in consideration of services rendered, or to be rendered, or to for any person during his public service unless such services are: (d) neither performed for nor compensated by any person or from any officer, director, agent, or employee of such person, if such public servant knows or reasonably should know that such person has or is seeking to obtain contractual or other business or financial relationships with the public servant's agency. As a

result, once you assume office, you would be prohibited from receiving compensation for selling new policies or products to vendors, or an individual seeking to become a vendor, of Pointe Coupee Parish.

2. PROPERTY & CASUALTY INSURANCE AND HEALTH INSURANCE

For property and casualty, as well as individual and group health insurance, most of the work is performed by an outside agency, of which you have no control or ownership. You refer clients to the outside agency, who then recommends products and services to the clients. The clients pay the outside agency directly. You receive a commission from the outside agency, but do not provide services or products directly to the clients. You have identified some of these clients as vendors of Pointe Coupee Parish.

The Board concluded, and instructed me to inform you, that the Code would not prohibit you from receiving compensation from the outside agency for a referral of a client who is a vendor of Pointe Coupee Parish, provided that the referral occurred prior to you taking office as Parish President. See La. R.S. 42:1111C(2)(d), above.

However, you would be prohibited, after you take office as Parish President, from receiving compensation indirectly, through the commission from the outside agency, when the compensation is in connection with a new referral of a vendor, or potential vendor, of Pointe Coupee Parish. La. R.S. 42:1115A(1) provides that no public servant shall solicit or accept, directly or indirectly, anything of economic value as a gift or gratuity from an person or from any officer, director, agent, or employee of such person, if such public servant knows or reasonably should know that such person has or is seeking to have a business, financial, or contractual relationship with the public servant's agency.

3. BLUE CROSS BLUE SHIELD AGENT OF RECORD

You are currently the Blue Cross Blue Shield agent of record for the Pointe Coupee Hospital Service District ("District"). Along with an outside agency, you receive commissions from Blue Cross Blue Shield in connection with the District's use of Blue Cross Blue Shield as their insurance provider. The District provides no compensation directly to you as the agent of record. The District was created by ordinance of the Pointe Coupee Parish Police Jury, whose members also serve on the District's Board.

The Board concluded that the District would fall under the agency of the Parish President. An agency, for public servants of political subdivisions, is the agency in which the public servant serves, except that for members of any governing authority and for the elected or appointed chief executive of a governmental entity, it shall mean the governmental entity. La. R.S. 42:1102(2)(a)(vi). A political subdivision means any unit of local government, including a special district, authorized by law to perform governmental functions. La. R.S. 42:1102(17). Therefore, as Parish President, the District would fall under your agency.

The Board further concluded, and instructed me to inform you, that you would not be prohibited from receiving compensation from Blue Cross Blue Shield as a result of contracts entered into by Blue Cross Blue Shield and the District prior to you taking office as Parish President. However, once you take office as Parish President, you would be prohibited from receiving compensation from Blue Cross Blue Shield as a result of any new contract with the District. See La. R.S. 42:1111C(2)(d), above.

Additionally, La. R.S. 42:1111E(1) provides that no public servant, and no legal entity in which the public servant is an officer, director, trustee, partner, or employee, or in which the public servant has a substantial economic interest, shall receive or agree to receive anything of economic value for assisting a person in a transaction, or in an appearance in connection with a transaction, with the agency of such public servant. Since the District is a part of your agency as Parish President, you would be prohibited from receiving compensation from Blue Cross Blue Shield as the agent of record, as you would be assisting Blue Cross Blue Shield with a transaction involving your agency.

Finally, the Board concluded, and instructed me to inform you, that you would be required to file an annual financial disclosure statement by May 15th of each year. La. R.S. 42:1114 provides that each public servant and each member of his immediate family who derives anything of economic value, directly, through any transaction involving the agency of such public servant or who derives anything of economic value of which he may be reasonably expected to know through a person which (1) is regulated by the agency of such public servant, or (2) has bid on or entered into or is in any way financially interested in any contract, subcontract, or any transaction under the supervision or jurisdiction of the agency of such public servant shall disclose certain information as set forth in Section 1114.

This advisory opinion is based solely on the facts as set forth herein. Changes to the facts as presented may result in a different application of the provisions of the Code of Governmental Ethics. The Board issues no opinion as to past conduct or as to laws other than the Code of Governmental Ethics, the Campaign Finance Disclosure Act, the Lobbyist Disclosure Act, and conflict of interest provisions in the gaming laws. If you have any questions, please contact me at (800)842-6630 or (225)219-5600.

Sincerely,

LOUISIANA BOARD OF ETHICS



David M. Bordelon

For the Board



STATE OF LOUISIANA
DEPARTMENT OF STATE CIVIL SERVICE
LOUISIANA BOARD OF ETHICS
P. O. BOX 4368
BATON ROUGE, LA 70821
(225) 219-5600
FAX: (225) 381-7271
1-800-842-6630
www.ethics.la.gov

June 20, 2016

Aaron "Bo" Melvin
District No. 4 Lafourche Parish Council Member
307 Killarney Place
Thibodaux, Louisiana 70301

Re: Ethics Board Docket No. 2016-442

Dear Mr. Melvin:

The Louisiana Board of Ethics, at its June 17, 2016 Board meeting, considered your request for an advisory opinion regarding whether your wife, Charlene Melvin, may be employed by any hospital within Lafourche Parish while you serve as a Lafourche Parish Council Member. You were recently elected to the Lafourche Parish Council on November 21, 2015. Charlene Melvin is a respiratory therapist who is currently employed by Acadian Management Group and Physician's Medical Center on an as needed basis. She recently completed orientation at St. Ann's to potentially work on an as needed basis. You stated that Lafourche Parish has three hospital service districts including Thibodaux Regional Medical Center, St. Ann's, and Lady of the Sea. Of these, Thibodaux Regional Medical Center does not receive a millage from the voters. St. Ann's is owned by Ochsner, a non-profit hospital. The Parish Council appoints members to these hospital service districts.

The Board concluded, and instructed me to inform you, that the Louisiana Code of Governmental Ethics would prohibit Charlene Melvin from being employed by Thibodaux Regional Medical Center, St. Ann's and Lady of the Sea unless all of the requirements in La. R.S. 42:1119B(2)(b)(i) are fulfilled. La. R.S. 42:1119B provides that no member of the immediate family of a member of a governing authority or the chief executive of a governmental entity shall be employed by the governmental entity. The above listed hospitals are within the Lafourche Parish government of which you are a Council Member. Therefore, Charlene Melvin, an immediate family member, would be prohibited from being employed by these agencies while you serve as a Council Member. However, La. R.S. 42:1119B(2)(b)(i) provides an exception to the general provision. It states:

Any hospital service district or hospital public trust authority located in such a district may enter into an initial recruiting contract with or employ as a health care provider, a licensed physician, a registered nurse, or an allied health professional who is a member of the immediate family of any district board, authority, or parish governing authority member or of the chief executive of the district or authority provided that such family member is the only qualified applicant who has applied for the position after it has been advertised for at least thirty days in the official journal of the parish and in all newspapers of general circulation in the parish where the hospital is located. The chief executive and any member of a board of a hospital service district or hospital public trust authority which

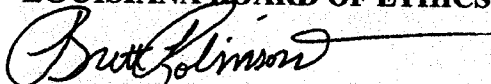
enters into an initial recruiting contract with or employs such physician, registered nurse, or allied health professional shall recuse himself from any decision involving the promotion, discipline, discharge, or assignment of any such employee who is a member of his immediate family.

Without further information, the Board is unable to determine if Charlene Melvin fits the exception.

This advisory opinion is based solely on the facts as set forth herein. Changes to the facts presented may result in a different application of the provisions of the Code of Ethics. The Board issues no opinion as to past conduct or laws other than Code of Governmental Ethics. If you have any questions, please contact me at (225) 219-5600 or (800) 842-6630.

Sincerely,

LOUISIANA BOARD OF ETHICS

A handwritten signature in cursive script, reading "Brett Robinson", followed by a horizontal line.

Brett Robinson
For the Board



STATE OF LOUISIANA
DEPARTMENT OF STATE CIVIL SERVICE
LOUISIANA BOARD OF ETHICS

P. O. BOX 4388
BATON ROUGE, LA 70821
(225) 219-5600
FAX: (225) 381-7271
1-800-842-6630
www.ethics.state.la.us

September 22, 2015

Frank P. Simoneaux
One American Place
301 Main St, Ste 1600
Baton Rouge, LA 70801

Re: Ethics Board Docket No. 2015-880

Dear Mr. Simoneaux:

The Louisiana Board of Ethics, at its September 18, 2015 meeting, considered your request for an advisory opinion, submitted on behalf of your client, Stephen McKinney, regarding the propriety of certain transactions if Mr. McKinney is elected to the West Feliciana Parish Council (Parish Council). You stated that Mr. McKinney and his wife, Amanda Temple McKinney, own Temple Design, LLC, which sells promotional items and graphic services primarily to customers in West Feliciana Parish.

With respect to each specific question, the Board concluded, and instructed me to inform you of the following:

1. Whether Temple Design, LLC, would be prohibited from selling products or services to certain public entities within West Feliciana Parish. Additionally, whether the prisoners confined at the Louisiana State Penitentiary are included within the population of West Feliciana Parish, for the purposes of the exception provided in La. R.S. 42:1113A(1)(a).

La. R.S. 42:1113A(1) prohibits a public servant, excluding any legislator and any appointed member of a board or commission and any member of a governing authority of a parish with a population of ten thousand or less, or member of his immediate family, or legal entity in which he has a controlling interest from bidding on or entering into any contract, subcontract, or other transaction that is under the supervision or jurisdiction of his agency.

La. R.S. 1:11A provides that the number of inhabitants of a political subdivision is that shown by the latest regular or special federal census. According to the most recent federal decennial census, which was conducted in 2010, the population of West Feliciana Parish is 15,625. As such, members of the West Feliciana Parish Council are not excluded from the prohibitions set

forth in La. R.S. 42:1113A.

The Code of Governmental Ethics would prohibit Temple Design, LLC, from selling products or services to the Parish Hospital, the Parish Economic Development Board, the Parish Council, the Parish Library, and the Parish Parks and Recreation Department at a time when Mr. McKinney serves as a member of the Parish Council. Since the Parish Hospital, the Parish Economic Development Board, the Parish Library, and the Parish Parks and Recreation Department were created by the Parish Council, they would be considered a part of Mr. McKinney's agency. However, the Parish Tax Assessor, pursuant to La. R.S. 47:1901, et seq, and the District Attorney for the Parishes of East and West Feliciana, pursuant to La. R.S. 16:1, et seq, would not be considered a part of his agency. Therefore, it would not present a violation of the Code if Temple Design, LLC, sells products or services to the Parish Tax Assessor or the District Attorney.

2. Whether Temple Design, LLC, would be prohibited from selling products or services to private individuals or legal entities that do business with any department, office, division, agency, commission, board, committee, or other organizational unit of the West Feliciana Parish Council. What if neither Mr. McKinney nor his wife was aware at the time of the sale that the private individual or legal entity had a business relationship with the Parish Council? Finally, what is the applicable timeframe between the date of the business conducted by the private individual or legal entity with the Parish Council and the date of the sale by Temple Design to the given private individual or legal entity?

The Board declines to render an opinion based on the limited information provided. La. R.S. 42:1111C(2)(d) prohibits a public servant and a legal entity in which the public servant exercises control or owns an interest in excess of 25% from receiving anything of economic value for services rendered, or to be rendered, to or for any person during his public service unless such services are neither performed for nor compensated by any person who has or is seeking to obtain contractual or other business or financial relationships with his agency. If a specific case arises in the future, it is the recommendation of the Board that you request an advisory opinion at that time.

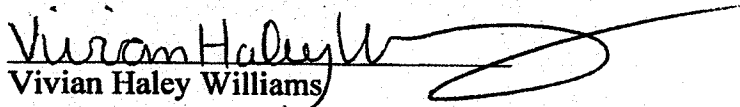
3. On the date Mr. McKinney takes the oath of office, Temple Design, LLC, or Mr. McKinney may have outstanding contracts with prohibited individuals or his agency. Would such contracts remain valid and enforceable for the duration of their term, provided they are not extended or renewed while Mr. McKinney is a member of the Parish Council?

The Board declines to render an opinion based on the limited information provided. La. R.S. 42:1111C(4) provides that an elected official shall not be prohibited for a period of not more than ninety days following the first day of his initial term of office from receiving compensation for the completion while in office of any contract or subcontract, which would otherwise be prohibited under La. R.S. 42:1111C(2)(d), that was entered into prior to his initial election to office, provided that such contract or subcontract is written and includes established terms for compensation and completion and that such contract or subcontract shall not be renewed after his initial election. Within thirty days of taking office, the elected official shall file a written notice of such contract or subcontract with his governmental entity and the Board of Ethics, setting forth the nature of the contract or subcontract, the established completion date, and the established compensation therefor. Furthermore, the Code generally would not prohibit an elected official, member of his immediate family, or legal entity in which he has a controlling interest from completing a contract that was entered into with his agency prior to his election to office, provided that the contract sets forth specific terms for performance and compensation. If a specific case arises in the future, it is the recommendation of the Board that you request an advisory opinion at that time.

This advisory opinion is based solely on the facts as set forth herein. Changes to the facts as presented may result in a different application of the provisions of the Code of Governmental Ethics. The Board issues no opinion as to past conduct or as to laws other than the Code of Governmental Ethics, the Campaign Finance Disclosure Act, the Lobbyist Disclosure Act, and conflict of interest provisions in the gaming laws. If you have any questions, please contact me at (800) 842-6630 or (225) 219-5600.

Sincerely,

LOUISIANA BOARD OF ETHICS


Vivian Haley Williams
For the Board



STATE OF LOUISIANA
DEPARTMENT OF STATE CIVIL SERVICE
LOUISIANA BOARD OF ETHICS
P. O. BOX 4368
BATON ROUGE, LA 70821
(225) 219-5600
FAX: (225) 381-7271
1-800-842-6630
www.ethics.state.la.us

March 25, 2011

Ms. Cloris J. Boudreaux
16635 W. La Hwy 700
Kaplan, LA 70548

RE: Ethics Board Docket No. 2011-313

Dear Ms. Boudreaux:

The Louisiana Board of Ethics, at its March 18, 2011 meeting, considered your request for an advisory opinion regarding whether you, as a member of the Vermilion Parish Police Jury, are required to file a disclosure statement with the Board of Ethics where your daughter-in-law is employed with the Hospital Service District No. 1. You stated that your daughter-in-law, Sarah Boudreaux, is employed with the Abrom Kaplan Memorial Hospital, which is operated by the Hospital Service District No. 1. You state that you are not a chief executive, board member, nor commissioner for the Hospital Service District. Under Section 1119B(2)(b)(1) the immediate family of a parish governing authority is permitted to accept employment at any hospital service district with a population of 100,000 persons or less, provided that the immediate family member is the only qualified person who applied for the position and the position was properly advertised for 30 days in the official newspaper for the Parish and in all newspapers in circulation in the parish.

The Board concluded, and instructed me to advise you that the Code of Governmental Ethics does not require you to file a disclosure statement with the Board of Ethics. Section 1119B(2)(b)(ii) requires, by no later than January 13 of each year, the chief executive and any member of a board of a hospital service district or hospital public trust authority whose immediate family member is employed by the hospital service district or hospital public trust authority to file a disclosure statement with the Board of Ethics stating such employment. Since you are not a chief executive, member of the Commission for the Hospital, nor a member of the public trust authority for the hospital, you are not required to file a disclosure statement with the Board.

EB Docket No. 2011-313

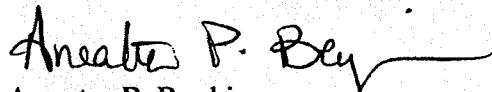
March 25, 2011

Page 2 of 2

This advisory opinion is based solely on the facts as set forth herein. Changes to the facts as presented may result in a different application of the provisions of the Code of Ethics. The Board issues no opinion as to past conduct or laws other than the Code of Governmental Ethics. If you have any questions, please contact me at (225) 219-5600 or (800) 842-6630.

Sincerely,

LOUISIANA BOARD OF ETHICS

A handwritten signature in cursive script, reading "Aneatra P. Boykin", followed by a horizontal flourish.

Aneatra P. Boykin
For the Board



STATE OF LOUISIANA
DEPARTMENT OF STATE CIVIL SERVICE
LOUISIANA BOARD OF ETHICS

P. O. BOX 4368
BATON ROUGE, LA 70821
(225) 219-5600
FAX: (225) 381-7271
1-800-842-6630
www.ethics.state.la.us

December 29, 2010

Mr. Justin Cox
P.O. Box 269
Fordoche, LA 70732

RE: Ethics Board Docket No. 2010-1107

Dear Mr. Cox:

The Louisiana Board of Ethics, at its December 17, 2010 meeting, considered your request for an advisory opinion regarding whether you may run for a seat on the Pointe Coupee Police Jury while you are employed with the Acadian Ambulance Service, a company that has a permit to operate with Pointe Coupee Parish. You stated that the Acadian Ambulance Service has provided ambulance services to Pointe Coupee since 1982. Acadian Ambulance is 25% owned by Richard Zuschlag and 75% by its 3,000 employees. Acadian Ambulance has a permit to operate within the parish by the Pointe Coupee Police Jury. Acadian Ambulance Service has a contract with the Pointe Coupee Health Service District #1. The Hospital Board is appointed by the Police Jury. You have been employed by the Acadian Ambulance Service since August of 1992. You are an operations coordinator. As an operations coordinator, you are a regularly compensated employee. You have no controlling interest in Acadian Ambulance, nor do you serve in an executive position.

The Board concluded, and instructed me to advise you that the Code of Governmental Ethics will not prohibit you from seeking a seat on the Pointe Coupee Police Jury. Section 1111C(2)(d) of the Code prohibits a public servant from accepting anything of economic value from a person who has or is seeking a business or contractual relationship with the public servant's agency. Ethics Board Docket No. 82-02D creates an exception to Section 1111C(2)(d) of the Code when the following factors are met: (1) the employee must be a salaried or wage-earning employee; (2) the employee's salary must remain substantially unaffected by the contractual relationship; (3) the public servant must own less than a "controlling interest" in the company; and (4) the public servant must be neither an officer, director, trustee, nor partner in the company. This exception only applies to public servants who are existing employees of the person or entity that has or is seeking a business or financial relationship with the public servant's agency.

Section 1112 of the Code prohibits a public servant from participating in transactions with his agency in which his employer has a substantial economic interest. Section 1120 of the Code provides that any elected official who is required to vote on a matter in violation of Section 1112 of the Code must recuse himself from voting. The elected official is not prohibited from participating in

discussion and debate concerning the matter provided that he verbally discloses the nature of the conflict, or potential conflict, during his participation in the discussion or debate prior to any vote being taken. Section 1114 of the Code requires a public servant, or a member of his immediate family, who derives a thing of economic value of which the immediate family member may be reasonably expected to know has bid on or entered into or is in anyway financially interested in any contract or any other transaction under the supervision of the public servant's agency, to file a disclosure statement with the Board of Ethics stating the: 1) amount of income, 2) nature of the business, 3) name and address and relationship to the public servant; and, 3) the name of the legal entity to which he is employed.

Based on the facts given, it appears that Pointe Coupee Parish Police Jury and the Acadian Ambulance have a business agreement for the providence of ambulance and air-med services to the residents of Pointe Coupee Parish. However, it does not appear that you own a controlling interest in the Ambulance Company, nor are you an officer, director, trustee, or partner in the company. You are a salaried employee of the Ambulance Company, however, you receive no commission for your work. Therefore, you meet all of the qualifications for the Ethics Board's 82-02d exception to apply.

You should be aware that Section 1112 of the Code will prohibit you, as a police jury member, from participating in matters that come before the Police Jury regarding Acadian Ambulance. Section 1120 of the Code will permit you to discuss and debate issues regarding the Acadian Ambulance, however, you must recuse yourself from voting on such matters. Additionally, you should file a disclosure statement under Section 1114 of the Code.

This advisory opinion is based solely on the facts as set forth herein. Changes to the facts as presented may result in a different application of the provisions of the Code of Ethics. The Board issues no opinion as to past conduct or laws other than the Code of Governmental Ethics. If you have any questions, please contact me at (225) 219-5600 or (800) 842-6630.

Sincerely,

LOUISIANA BOARD OF ETHICS



Aneatra P. Boykin
For the Board



STATE OF LOUISIANA
DEPARTMENT OF STATE CIVIL SERVICE
LOUISIANA BOARD OF ETHICS

2415 QUAIL DRIVE
THIRD FLOOR
BATON ROUGE, LA 70808
(225) 763-8777
FAX: (225) 763-8780
1-800-842-6630
www.ethics.state.la.us

January 10, 2007

Ms. Barbara Adams
206 Weill Street
Abbeville, Louisiana 70510

Re: Ethics Board Docket No. 2006-906

Dear Ms. Adams:

The Louisiana Board of Ethics, at its January 9, 2007 meeting, considered your request for an advisory opinion as to whether you may seek public office in the October 2007 election while you are employed with the Abbeville General Hospital. You stated that you will be running for a seat on the Vermillion Parish Police Jury in the October 2007 election. In 1962, the Vermillion Parish Police Jury created Hospital Service District No. 2 d/b/a Abbeville General Hospital. You stated that you have been employed by the hospital for 39 years.

The Board concluded, and instructed me to inform you, that Section 1113A of the Code of Governmental Ethics prohibits a public servant from entering into transactions which are under the supervision or jurisdiction of his agency. As a police juror, the entire parish and all of its departments and divisions, constitutes the police juror's agency. This would include the District and the Hospital. However, as the date you were hired by the Hospital would be prior to the date of your election as police juror, you would not be entering into any new transactions with the Hospital, therefore your continued employment would not appear to present any violations of the Ethics Code. However, the Board also instructed me to inform you that you might want to check with the Attorney General's Office regarding dual office holding - dual public employment issues.

The Board issues no opinion as to laws other than the Code of Governmental Ethics. If you have any questions, please contact me at (800) 842-6630 or (225) 763-8777.

Sincerely,

LOUISIANA BOARD OF ETHICS

Tracy M. Walker
For the Board

LOUISIANA BOARD OF ETHICS

DATE: August 14, 2003

OPINION NO.: 2002-713

RE: In the matter of Lance Marino and Mary Marino

The Louisiana Board of Ethics (the "Board"), pursuant to the provisions of Section 1141 of the Code of Governmental Ethics (the "Code"), conducted an investigation into information received indicating that a violation of Section 1119B of the Code may have occurred by virtue of Mary Marino's employment with the St. Charles Parish Hospital when her husband, Lance Marino, served as a member of the St. Charles Parish Council.

On the basis of the information obtained during the course of the investigation and with the consent of Lance and Mary Marino, the Board now makes the following essential:

I.

FINDINGS OF FACT

1.

Lance Marino has served as a member of the St. Charles Parish Council since January 10, 2000.

2.

Mary Marino was employed as a part-time licensed physical therapist at the St. Charles Parish Hospital from October 15, 2001 until her resignation on July 31, 2003.

3.

The St. Charles Parish Hospital District #1 operates the St. Charles Parish Hospital. The St. Charles Parish Hospital District #1 was created by the St. Charles Parish Police Jury in 1958; and the St. Charles Parish Council (the successor to the police jury) appoints the members of the hospital district.

4.

No evidence was obtained during the course of the investigation to suggest that Mr. Marino interceded in the hiring of his wife Mary Marino at the St. Charles Parish Hospital.

II.

APPLICABLE LAW

Section 1119B of the Code prohibits the immediate family members of a parish councilman from being employed by the parish government. This section provides in pertinent part:

§1119. Nepotism

* * *

B.(1) No member of the immediate family of a member of a governing authority or the chief executive of a governmental entity shall be employed by the governmental entity.

* * *

The following terms are defined in Section 1102 of the Code and are relevant when analyzing the above Sections:

(11) "Governing authority" means the body which exercises the legislative functions of a political subdivision.

(12) "Governmental entity" means the state or any political subdivision which employs the public employee or employed the former public employee or to which the elected official is elected, as the case may be.

(13) "Immediate family" as the term relates to a public servant means his children, the spouses of his children, his brothers and their spouses, his sisters and their spouses, his parents, his spouse, and the parents of his spouse.

III.

OPINION

It is the opinion of the Board that Lance Marino and Mary Marino violated Section 1119B of the Code by virtue of Mary Marino's employment as a part-time physical therapist at the St. Charles Parish Hospital between October 15, 2001 and July 31, 2003. Section 1119B of the Code prohibits an immediate family member of a member of the governing authority for a governmental entity from being employed by the governmental entity. Accordingly, Lance Marino's immediate family members are prohibited from being employed by the St. Charles Parish Government while he serves as a member of the St. Charles Parish Council. The St. Charles Parish Hospital Service District #1 and the St. Charles Parish Hospital are part of the governmental entity of the St. Charles Parish Government. Therefore, Section 1119B prohibited Mary Marino's employment by the St. Charles Parish Hospital, while Lance Marino served on the St. Charles Parish Council.

The Louisiana Board of Ethics is authorized to impose a penalty of up to \$10,000 for each violation of the Code. In this particular situation, given the facts outlined above, along with the fact that Mary Marino is no longer working for the St. Charles Parish Hospital, it is the conclusion of the Board that the interest of the public would be served by the imposition of a joint \$500 fine upon Lance and Mary Marino for violating Section 1119B of the Code.

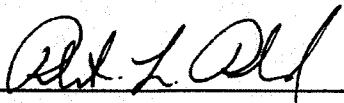
IV.

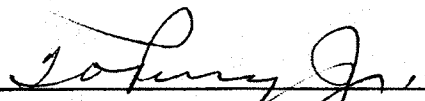
DECREE AND ORDER

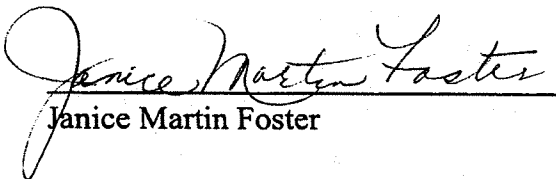
IT IS DECREED that Lance and Mary Marino violated Section 1119B of the Code by virtue of the employment of Mary Marino's employment by the St. Charles Parish Hospital when her husband, Lance Marino, served as a member of the St. Charles Parish Council.

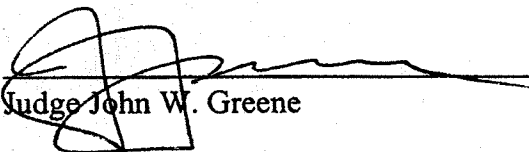
IT IS ORDERED that a joint fine of \$500, payable to the Treasurer of the State of Louisiana, be and is hereby imposed upon Lance and Mary Marino for violating the Code.

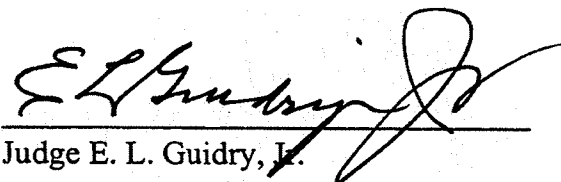
By Order of the Board this 14th day of August, 2003.


Robert L. Roland, Chairman

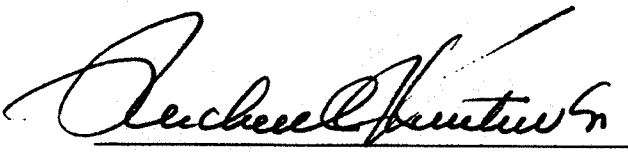

T. O. Perry, Jr., Vice-Chairman

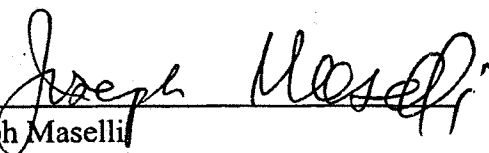

Janice Martin Foster



Judge John W. Greene

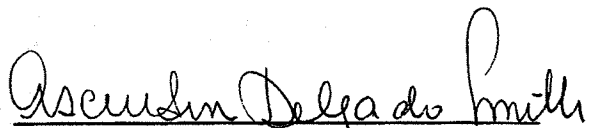

Judge E. L. Guidry, Jr.

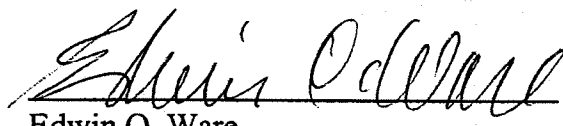
Absent and did not participate.
R. L. Hargrove, Jr.


Michael J. Kantrow, Sr.


Joseph Maselli


Henry C. Perret, Jr.


Ascension Delgado Smith


Edwin O. Ware

CONSENT

The undersigned (a) stipulates to the facts found by the Board; (b) waives the procedural requirements contained in Section 1141 of the Code; (c) admits that his conduct, as described above, violated Section 1119B of the Code; (d) consents to the publication of this opinion; (e) agrees to comply with the conditions and orders set forth in this opinion; and, (f) agrees not to seek judicial review of the findings and actions taken in this opinion.

Lance Marino 7/31/03
Lance Marino Date

CONSENT

The undersigned (a) stipulates to the facts found by the Board; (b) waives the procedural requirements contained in Section 1141 of the Code; (c) admits that her conduct, as described above, violated Section 1119B of the Code; (d) consents to the publication of this opinion; (e) agrees to comply with the conditions and orders set forth in this opinion; and, (f) agrees not to seek judicial review of the findings and actions taken in this opinion.

Mary Marino 7/31/03
Mary Marino Date

RECEIVED
FINANCE
DIVISION
AUG - 6 PM 1:19